

## **REMARKS**

The Office Action rejected independent claims 1, 8, and 15 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action also rejected claims 1-21 under the judicially-created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-20 of U.S. Patent No. 6,249,899 and claims 1-15 of U.S. Patent No. 6,484,295 and claims 1-18 of U.S. Patent No. 6,484,296. The Office Action rejected claims 1-21 under 35 U.S.C. § 102(b) as allegedly anticipated by Gould et al. (USPN 5,732,246). For the reasons set forth herein, Applicants respectfully request reconsideration and withdrawal of these rejections.

### **Rejections Under 35 U.S.C. § 112**

The Office Action rejected independent claims 1, 8, and 15 under 35 U.S.C. § 112, second paragraph. Applicants have amended independent claims 1, 8, and 15 to address and overcome the rejection set forth under 35 U.S.C. § 112, second paragraph. In this regard, and as is clearly set forth in the specification (for example, but not limited to, page 10), an embodiment of the invention identifies tri-state logic configurations at a given node by evaluating the elements surrounding the node to determine known (or identifiable) circuit configurations formed by those elements. The embodiment also identifies probable circuit configurations (e.g., circuit configurations that may not be definitively identified, but are probable or likely). The embodiment may then determine if various selected logic configurations, known to result in tri-state logic, are among the identified known or identified probable circuit configurations. The language previously set forth in the independent claims defined aspects of this embodiment by using language such as “any of said circuit

configurations” and “any probable circuit configurations.” Applicants have amended this language in the independent claims to clarify and thereby overcome the rejections under 35 U.S.C. §112, second paragraph. These amendments were not made to overcome prior art rejections.

***Double-Patenting Rejection***

The Office Action has rejected all claims under the judicially-created, obviousness-type double-patenting rejection, as being unpatentable over U.S. Patents 6,249,899, 6,484,295, and 6,484,296 (all assigned to the Assignee of the present application). Applicants respectfully traverse this rejection. In this regard, none of the cited references are directed to systems or methods for identifying tri-state logic, much less systems and methods incorporating elements set forth in the claims of the presently-pending application. For this reason, the rejections are traversed.

Although Applicant is willing to consider submitting Terminal Disclaimers to address and overcome any proper double-patenting rejection, the present Office Action has not set forth, with specificity, the teachings of the cited patents that are considered to render obvious the claimed elements of the present application. Should the Examiner maintain these double-patenting rejections, the undersigned respectfully requests that any ensuing Office Action provide sufficient specificity in forming such a rejection, so that the entry of a Terminal Disclaimer may be properly considered.

***Substantive Rejections***

Turning now to the substantive rejections set forth in the Office Action, the Office Action rejected all claims 1-21 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S.

Patent 5,732,246 to Gould. For the reason set forth below, Applicants respectfully traverse these rejections, and request that they be withdrawn.

As an initial matter, the undersigned respectfully submits that the anticipation rejection is inconsistent with the double-patenting rejection. In this regard, the '246 patent to Gould predates each of the patents cited in the double-patenting rejection. Those patents, however, were issued by the Patent Office as clearly defining over all prior art, including (implicitly) the Gould '246 patent. It is inconsistent of the present Office Action to suggest that the claims of the present application are so similar to the claims of the three patents cited, in forming the double-patenting rejection, as to reject the presently-pending claims as being merely obvious modifications over the claims of those patents, while at the same time alleging that the claims of the present application are anticipated by Gould.

Notwithstanding, the undersigned assumes that the rejection based on Gould was formed, in part, due to confusion on part of the Examiner by the language of the original independent claims. Applicants respectfully submit that, with the clarified language of the independent claims amended herein, all claims clearly and patently define over the teaching of Gould. In this regard, the Gould patent has nothing, whatsoever, to do with identifying tri-state logic. Further, the claim elements, which have been clearly defined herein, of separately identifying known (or identifiable) and probable (or likely) circuit configurations are not disclosed in Gould. As an example, for the elements of identifying any circuit configurations (now identifying known circuit configurations) and identifying any probable circuit configurations (now identifying probable circuit configurations), the Office Action cited the identical teachings of the Gould patent. That is, the Office Action cited "FIG. 7 and 11 and col. 7, lines 45-54, and col. 48, lines 22-44" for each of these two separate and different elements. These two claim elements should be disclosed, if at all, by different portions of the

Gould patent (and yet the Office Action cites the same teachings for both elements). Again, it is believed that this rejection resulted from a simple misconstruction of the claim elements, as previously claimed by Applicants. Notwithstanding, Applicants submit that the rejections should be withdrawn.

Further, even a cursory review of the cited portions of Gould confirms that the Gould patent does not disclose distinctive elements or steps of identifying both known circuit configurations and identifying probable circuit configurations. Moreover, the independent claims of the present application, as amended, further specify the determination of whether a selected circuit configuration (characterized by or defining tri-state logic) is within the identified known circuit configurations or identified probable circuit configurations.

For at least these separate and independent fundamental reasons, Applicants respectfully submit that the teachings of Gould do not disclose the elements defined by the independent claims (claims 1, 8, and 15) of the present application. Therefore, the rejections set forth in the Office Action should be withdrawn.

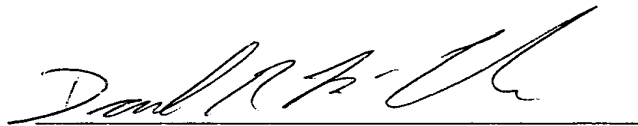
## CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 08-2025.

Respectfully submitted,

By:



Daniel R. McClure  
Registration No. 38,962

**Thomas, Kayden, Horstemeyer & Risley, LLP**  
100 Galleria Pkwy, NW  
Suite 1750  
Atlanta, GA 30339  
770-933-9500